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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,926	08/23/2001	Thomas Welsh	195-01	1408

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Paul & Paul  
2900 Two Thousand Market Street  
Philadelphia, PA 19103

EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/935,926

Examiner

Thomas Y Ho

Applicant(s)

WELSH ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

Art Unit: 3677

## **DETAILED ACTION**

### ***Response to Arguments***

In view of the appeal brief filed on 7/23/03, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 3, and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu  
USPN6362975.

As to claim 8, Liu discloses a linear compression latch comprising: a housing 6; a lever handle 24 rotatable by an operator between a first position (see Figure 5) and a second position

Art Unit: 3677

(see Figure 7), the lever handle 24 being mounted in the housing 6; a pawl 34/36 mounted for substantially linear motion, the pawl 34/36 being actuated by rotation of the lever handle 24 and traveling substantially linearly between an open position (see Figure 5) to a closed position (see Figure 7) as the lever handle 24 is rotated between the first position to the second position; wherein the pawl 34/36 is mounted to travel between the open position (see Figure 5) along a first path (arrow in Figure 5) and an intermediate position (see Figure 6); and wherein the pawl 34/36 is mounted to travel in a second path (compare Figure 6 and 7) in a direction substantially perpendicular to the first path between the intermediate position (see Figure 6) and the closed position (see Figure 7).

As to claim 3, Liu discloses the first path is linear.

As to claim 5, Liu discloses the second path is linear.

As to claim 6, Liu discloses a carriage 4, the carriage 4 being mounted for linear motion within the housing 6, the pawl 34/36 being mounted within the carriage (see Figures 6-7; the pawl 34/36 is mounted in the portion 12 of carriage 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu USPN6362975 in view of Ramsauer USPN5039143.

Art Unit: 3677

As to claim 7, Liu discloses connection means for connecting the lever handle 24 and the pawl 34/36. The difference between the claims and Liu is the claims recite a means for rotatably connecting the lever handle and the pawl. Ramsauer discloses a latching mechanism with a pin engaging a keeper, similar to that of Liu. In addition, Ramsauer further teaches that the pins are roll pins (col.2, ln.15-25; col.3, ln.30-45) that are rotatably held on the side of a bar. It would have been obvious to one of ordinary skill in the art, having the disclosures of Liu and Ramsauer before him at the time the invention was made, to modify the pawl 34/36 (which is a pin) of Liu to be a rotatably mounted roller, as in Ramsauer, to obtain a pawl rotatably connected to the lever handle (the pawl being the sleeve). One would have been motivated to make such a combination because extremely smooth running with low-warping would have been obtained, as taught by Ramsauer (col.2, ln.15-25).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu USPN6362975 in view of Schlack USPN5201557.

As to claim 7, Liu discloses connection means for connecting the lever handle 24 and the pawl 34/36. The difference between the claims and Liu is the claims recite a means for rotatably connecting the lever handle and the pawl. Schlack discloses a latching mechanism similar with a pin engaging a keeper, similar to that of Liu. In addition, Schlack further teaches that the engaging pin 94 is surrounded by a rotatably mounted sleeve 96 (col.4, ln.60-68; col.5, ln.1-5). It would have been obvious to one of ordinary skill in the art, having the disclosures of Liu and Schlack before him at the time the invention was made, to include on the pawl 34/36 of Liu the rotatable sleeve 96 of Schlack, to obtain a pawl rotatably mounted to a lever handle (the pawl being the sleeve). One would have been motivated to make such a combination because a sleeve

Art Unit: 3677

to contact the keeper would have been obtained, as taught by Schlack (col.4, ln.60-68; col.5, ln.1-5).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN3586360 to Perrotta discloses a latch mechanism.

USPN3706467 to Martin discloses a check rail lock.

USPN3848912 to Jensen discloses a latch for hatch covers for hopper cars.

USPN3970213 to Clay discloses a quick opening/closing compression latch.

USPN4412404 to Manning discloses a combined vent and escape hatch.

USPN4838624 to Walla discloses a furniture anti-tip and lock mechanism.

USPN5080409 to Niswonger discloses a garage door lock actuation mechanism.

USPN5120093 to Carney discloses a floor-mounted positive doorstop.

USPN5184489 to Squires discloses a device for securely mounting audio equipment in a motor vehicle.

USPN5219195 to Lawrence discloses a window closure mechanism.

USPN5683124 to Karpisek discloses a latching device for a hinged panel.

USPN6203075 to Wells discloses a front opening container latch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600